

## Recent Tank Programs Division Developments

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Web site: [www.azdeq.gov/envIRON/ust/index.html](http://www.azdeq.gov/envIRON/ust/index.html)

### ADEQ Appoints New Tank Programs Director

The Arizona Department of Environmental Quality (ADEQ) announced that Mike Fulton has been named the Director of ADEQ's Tank Programs Division. Philip McNeely, who formally headed TPD over the last four years, has accepted a position outside of ADEQ. Most recently, Fulton served as Deputy Director of the Waste Programs Division at ADEQ where he participated in the management of state and federal waste site remediation programs, solid and hazardous waste inspection and compliance programs and brownfields, pollution prevention and voluntary remediation programs. He has been with ADEQ since 1990 working primarily in the investigation and clean up of hazardous waste sites throughout the state.

### January 1st Brings Regulatory Changes

On May 20, 2008 Gov. Janet Napolitano signed House Bill 2425 into law. This is a significant piece of underground storage tank (UST) legislation authorizing ADEQ to implement federal UST requirements of the Energy Policy Act of 2005:

**Fuel Delivery Prohibition:** Beginning Jan. 1, 2009, ADEQ will have the authority to issue a "stop-use" order and attach a "stop-use" tag to the fill pipe of any UST that is significantly out of compliance with release detection or other operational requirements where operation of the UST may result in a continued

or new release. Once ADEQ places a "stop-use" tag on a tank, the UST owner must immediately empty the tank and maintain the condition of the "stop-use" tag so that a product deliverer can easily determine that a regulated substance is not to be placed into the UST. The UST owner is responsible for ensuring compliance with the conditions of a "stop-use" order and is subject to enforcement and potential penalties for not complying with the order or for not maintaining the "stop-use" tag.

ADEQ is required to post the facility name, address, and specifics of the non-compliant UST(s) on the department's Web site to inform product deliverers of the "stop-use" order ([www.azdeq.gov/envIRON/ust/prohibition/index.html](http://www.azdeq.gov/envIRON/ust/prohibition/index.html)). A product deliverer who ignores a visible "stop-use" tag on a UST also may be subject to enforcement and penalties.

Once the UST owner documents compliance to ADEQ, ADEQ will move quickly to terminate the "stop-use" order, remove the listing from the department's Web site, and allow the "stop-use" tag to be removed.

**Secondary Containment:** If installation of a new UST system begins on or after Jan. 1, 2009, the UST system must have secondary containment and interstitial monitoring. These requirements do not apply to any new UST system for which installation began prior to that date.

Beginning Jan. 1, 2009, if a person replaces 25 percent or more of the piping between the tank and dispenser of a current UST system, all of that UST system's connected piping that routinely conveys a regulated substance under pressure must be fitted with secondary containment and interstitial monitoring.

Additionally, if a person installs or replaces a motor fuel dispenser that connects to a UST on or after Jan. 1, 2009, under-dispenser containment must be installed.

You may view additional information on the requirements of House Bill 2425 on ADEQ's Web site at: [www.azdeq.gov/envIRON/ust/download/CH\\_218.pdf](http://www.azdeq.gov/envIRON/ust/download/CH_218.pdf).

If you have questions or want more specific information, please call Ronald Kern at (602) 771-4242, or at (800) 234-5677 Ext. 771-4242, or by e-mail at [rak@azdeq.gov](mailto:rak@azdeq.gov).

## State Assurance Fund (SAF) - Phase-Out

UST releases reported after June 30, 2006, are not eligible for the Underground Storage Tank (UST) State Assurance Fund (SAF). This cut-off date was the first step in the phase out of the SAF as outlined in Senate Bill 1306 (2004 Legislative Session). Potential applicants should be aware of two other important dates related to the SAF.

### Preapproval Application Submission Deadline:

**June 30, 2009 as of 5 p.m.** – The Arizona Department of Environmental Quality (ADEQ) is prohibited from accepting any Preapproval Workplan (PAWP) Application after 5 p.m. on June 30, 2009. Therefore, it is the responsibility of eligible persons, especially volunteers required to proceed only under the preapproval process in rule to have the final Preapproval Application submitted (received by ADEQ) before 5 p.m. on June 30, 2009.

### Reimbursement Application/Direct Payment Request Submission Deadline:

**June 30, 2010 as of 5 p.m.** – ADEQ is prohibited from accepting or evaluating any Reimbursement Application or Direct Payment Request after 5 p.m. on June 30, 2010. After 5 p.m. on June 30, 2010, all claims not already submitted against the SAF are extinguished in accord with SB 1306.

These deadlines suggest a short time frame in which a PAWP must be:

- 1) approved by ADEQ,
- 2) implemented by the volunteer,
- 3) LUST case closure obtained from ADEQ, and
- 4) a final SAF claim submitted before June 30, 2010.

If you are a volunteer and your last PAWP does not enable you to meet these timelines, you may want to reconsider your volunteer status. Otherwise, you will be responsible for 100% of the corrective action costs not submitted for reimbursement before June 30, 2010. For new PAWPs submitted by volunteers between now and June 30, 2009, ADEQ will consider the duration of the corrective actions being proposed and may discuss this issue with you to determine if approving the PAWP is reasonable or cost effective; and whether you want to reconsider your volunteer status. Please let ADEQ know if you decide to stop performing corrective actions as a volunteer.

## New Operator Training Rules

Operator training requirements are also addressed in House Bill 2425. Although these training requirements do not go into effect until Aug. 9, 2012, ADEQ will soon begin work with stakeholders to develop rules that provide UST owners with adequate lead time to implement training programs for UST operators at their facilities prior to the 2012 deadline. The three classes of operators must be designated by the UST owner and will have specific training requirements:

**Class A Operator:** This class of operator must be knowledgeable in all administrative and technical requirements of UST release prevention and detection. These include notification, corrosion protection, release detection, reporting, financial responsibility, UST closure, delivery prohibition, other UST performance standards, and the training requirements for Class B and Class C operators.

**Class B Operator:** This class of operator must be knowledgeable about specific technical and operational requirements. These include release detection, corrosion protection, reporting, delivery prohibition, other UST performance standards, and the training requirements for Class C operators.

**Class C Operator:** This class of operator must know how to respond to an emergency caused by a UST release or suspected release.

You may view additional information on the requirements of House Bill 2425 on ADEQ's Web site at: [www.azdeq.gov/environ/ust/download/CH\\_218.pdf](http://www.azdeq.gov/environ/ust/download/CH_218.pdf).

If you have questions or want more specific information, please call Ronald Kern at (602) 771-4242, or at (800) 234-5677 Ext. 771-4242. If you would like to be updated or included in the operator training rule development process, please email your contact information to Ronald Kern at [rak@azdeq.gov](mailto:rak@azdeq.gov).

## Monitored Natural Attenuation (MNA) Program

In 2004, the Arizona Legislature terminated the State Assurance Fund (SAF) eligibility for reimbursement effective July 1, 2010. However, to assist with the closure of SAF eligible leaking UST (LUST) sites where groundwater contamination is naturally attenuating but still exceeding the aquifer water quality standards (AWQS), the Legislature also created the

MNA Program. If the LUST site meets the requirements of the MNA Program, ADEQ will assume the responsibility and total cost of monitoring the natural attenuation until the LUST site is ready for LUST case closure. To implement the MNA Program, ADEQ created rules (A.A.C. R18-12-902 & 903), which became effective on February 2, 2008. To become eligible for the MNA Program the following conditions must be met:

- UST owner, operator or volunteer must be eligible for the SAF Program,
- corrective actions must be performed to remove or control sources of contamination,
- corrective actions must be performed to remediate soil contamination to the applicable corrective action standard,
- a Corrective Action Plan (CAP) must be approved which includes MNA as all or a portion of the selected remedy,
- natural attenuation of the groundwater contamination must be documented, and
- a MNA Program application must be approved.

Once the LUST site is accepted into the MNA Program, the applicant will receive a No Further Action (NFA) letter and ADEQ will perform all necessary corrective actions until LUST case closure is appropriate.

Since the SAF is sunseting on July 1, 2010, UST owners, operators or volunteers who may wish to apply for the MNA Program should consider the above listed conditions and all of the following applicable deadlines:

- 06/01/2009 - Suggested deadline for submitting a MNA CAP
- 07/01/2009 - SAF pre-approval work plans (PAWP) are no longer accepted
- 11/01/2009 - Suggested deadline for submitting MNA Program application
- 07/01/2010 - SAF applications are no longer accepted

The following guidance has been created by ADEQ, which can be found on the ADEQ TPD Web site <http://azdeq.gov/envIRON/ust/mna/index.html>:

- Eligibility flowchart
- Source removal or control guidance
- MNA corrective action plan (CAP) outline
- Natural attenuation documentation
- MNA Program application
- No further action (NFA) boilerplate letter
- Timeline

### Route 66 Update

Since the Route 66 Initiative started two years ago, ADEQ has made a great deal of progress toward expediting LUST case closures and orphan UST identification and removal. ADEQ has dedicated four case managers to work closely with owners, operators and volunteers with open LUST sites along historic Route 66. Along this historic route, approximately 350 sites had reported releases. Of these, 77 remain open with corrective actions incomplete, 22 fewer than one year ago. In addition, ADEQ has removed orphan tanks at 35 sites along Route 66 under the Municipal Tank Closure Program during the past two years, mostly in the Holbrook-Winslow area.

Two of the four case managers are dedicated to overseeing cleanups in the Holbrook - Winslow area, where the initiative began, and most of the remaining open LUSTs (47) are located along this portion of the historic highway corridor. Determining the most effective remedial technologies in this area has been challenging due to unique hydrogeologic conditions, including a predominance of clayey soils and a shallow groundwater table. Since the initiative began, 15 corrective action plans (CAPs) or remediation work plans have been approved. Remediation at six sites is being performed by contractors directed by our State Lead Unit (SLU). This year, the U.S. Environmental Protection Agency (EPA) teamed up with ADEQ and communities in the Holbrook -Winslow area to launch the Route 66 Partnership with those communities to explore cleanup and redevelopment opportunities. A report was published based on the results of meetings held during January 2006, which can be found on the EPA Web site at:

[www.epa.gov/region9/waste/brown/66/index.html](http://www.epa.gov/region9/waste/brown/66/index.html).

For more details or information, including general

progress, site status, maps and photographs, please visit the ADEQ Route 66 Initiative Web site at: <http://www.azdeq.gov/environ/ust/66/index.html>.

### Ethanol-Blended Fuels

Ethanol is one of several oxygenates used in fuels to provide for cleaner automotive emissions. With the ban on the oxygenate MtBE and increasing availability of flexible-fuel vehicles, ethanol-gasoline blended fuels (E-blends) tend to be more environmentally friendly than gasoline and are becoming more common. Typical E-blends include E10 (10% ethanol and 90% gasoline) and E85 (85% ethanol and 15% gasoline).

Whatever product is stored in and dispensed from a UST, regulations require that it must be compatible with all components of the UST system, so that the system does not degrade and potentially result in a leak. If a UST owner plans to install a new E-blend UST, they should consult their UST material and equipment manufacturers to ensure that all system components are compatible with the specific E-blend product.

Alternatively, if a UST owner wants to convert from a conventional fuel to an E-blend fuel UST, in addition to consulting with the manufacturers of their UST system components, the owner should consider some "best management" practices:

- Fiberglass UST tanks and piping (e.g. fiberglass-reinforced plastic) manufactured after 1992 may be converted. An owner should consult with the equipment manufacturer to ensure compatibility with E85. A fiberglass UST manufactured before 1992 should not be used with E85.
- Only metals, such as steel and bronze, should be used because soft metals or dissimilar metals (e.g. brass, aluminum, or zinc) in an E-blend fuel system tend to corrode more readily than steel or bronze.

- Ensure that non-metallic parts of the system are compatible with E-blends because some components, such as rubber, polyurethane, certain plastics, or cork, which are used in flex piping, gaskets and filters, tend to be incompatible with E-blend fuels.
- Tanks and piping should be thoroughly cleaned to remove any petroleum-based sludge or residue because E-blends tend to dissolve this material into the distribution system. Recommended in-line filters should also be installed.
- Water should be kept out of the system because it tends to dissolve readily into E-blend fuels.

More information may be obtained directly from the UST system or fuel dispenser equipment manufacturers. The U.S. Department of Energy has provided information on alternative fuels on their Web site: [www.afdc.energy.gov/afdc/](http://www.afdc.energy.gov/afdc/).

Additionally, the U.S. Department of Energy, in conjunction with the National Ethanol Vehicle Coalition, has provided an informative handbook on E85-compatible equipment and the storage and dispensing of E85 in an online publication: [www.e85fuel.com/pdf/e85\\_technical\\_booklet.pdf](http://www.e85fuel.com/pdf/e85_technical_booklet.pdf).



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<http://www.azdeq.gov/environ/ust/outreach/index.html> or via e-mail at: [dw3@azdeq.gov](mailto:dw3@azdeq.gov).

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